

ESTTA Tracking number: **ESTTA513839**

Filing date: **01/02/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

Opposers Information

Name	Team Sizzle Films, Inc.
Granted to Date of previous extension	02/10/2013
Address	1700 Union Avenue Baltimore, MD 21211 UNITED STATES

Name	Terrell R. Suggs		
Entity	Individual	Citizenship	UNITED STATES
Address	29 W. Susquehanna Ave. Suite 600 Towson, MD 21204 UNITED STATES		

Attorney information	Kimberly S. Grimsley Bowie & Jensen, LLC 29 W. Susquehanna Ave. Suite 600 Towson, MD 21204 UNITED STATES grimsley@bowie-jensen.com Phone:410-583-2400
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Applicant Information

Application No	85976612	Publication date	08/14/2012
Opposition Filing Date	01/02/2013	Opposition Period Ends	02/10/2013
Applicant	Jennifer M Vick 22 Tree Farm Ct Glen Arm, MD 21057 UNITED STATES		

Goods/Services Affected by Opposition

Class 025.

All goods and services in the class are opposed, namely: Full line of lacrosse related athletic clothing, footwear and headgear, namely, shirts, tops, t-shirts, tank tops, athletic uniforms, fleece pullovers, hooded pullovers, hooded sweat shirts, knit shirts, long-sleeved shirts, moisture-wicking sports shirts, polo shirts, short-sleeved shirts, sleeveless jerseys, sports jerseys, sport shirts, sports shirts, sweat shirts, undershirts, wind shirts, beachwear, sweaters, pants, sweat pants, skirts, skorts, leggings, dresses, shorts, bottoms, capri pants, moisture-wicking sports pants, rain trousers, unitards, waterproof pants, wind pants, jogging pants, underwear, bras, baselayer bottoms, baselayer tops, boxer briefs, boxer shorts, ladies' underwear, men's underwear, moisture-wicking sports bras, sports bras, underwear, namely, thongs, underwear, namely, boy shorts, headwear, hats, headbands, hoods, skull caps, skull wraps, namely, tight-fitting hats, children's headwear, headwear, namely,

visors, bandanas, scarves, beanies, caps, bucket hats, neck gaiters, wristbands, sweat bands, jackets, rain jackets, rainproof jackets, rainwear, waterproof jackets, wind resistant jackets, vests, coats, foul weather gear, socks, men's socks, gloves, mittens, belts, ankle socks, footwear, athletic footwear, beach footwear, footwear, namely, thongs, training shoes, sneakers, sandals, golf shirts, golf trousers, golf shorts, baseball caps, and lacrosse cleats

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	85475029	Application Date	11/17/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BALL SO HARD UNIVERSITY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: Entertainment services, namely, personal appearances by a sports celebrity		

U.S. Application No.	85475010	Application Date	11/17/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BALL SO HARD UNIVERSITY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use:		

	Clothing, namely, shirts, sweatshirts, hats, caps, shorts, pants, underwear, jackets
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U.S. Application No.	85475990	Application Date	11/18/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BALL SO HARD UNIVERSITY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: Paper goods, namely, art prints, posters, unmounted and mounted photographs, notebooks, and sports trading cards		

U.S. Application No.	85474997	Application Date	11/17/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BALL SO HARD UNIVERSITY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: Backpacks; Duffel bags; Sack packs, namely, drawstring bags used as backpacks; Sport bags; Travel bags		

U.S. Application No.	85475047	Application Date	11/17/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BALL SO HARD UNIVERSITY		

Design Mark	BALL SO HARD UNIVERSITY
Description of Mark	NONE
Goods/Services	Class 021. First use: Cups and mugs

Related Proceedings	Opposers are also filing a Notice of Opposition against Applicant's LAX SO HARD mark, Serial No. 85/532906, contemporaneously with this filing.
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Attachments	85475029#TMSN.jpeg (1 page)(bytes) 85475010#TMSN.jpeg (1 page)(bytes) 85475990#TMSN.jpeg (1 page)(bytes) 85474997#TMSN.jpeg (1 page)(bytes) 85475047#TMSN.jpeg (1 page)(bytes) Notice of Opposition LAX SO HARD '612, executed.PDF (14 pages)(261988 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Kimberly S. Grimsley/
Name	Kimberly S. Grimsley
Date	01/02/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Trademark Trial and Appeal Board**

In re Application of JENNIFER M. VICK
Serial No.: 85/976612
Publication Date: July 24, 2012
Trademark: LAX SO HARD

OPPOSITION NO.: (NOT YET
INSTITUTED)

TEAM SIZZLE FILMS, INC.

And

TERRELL R. SUGGS

Opposers

vs.

JENNIFER M. VICK

Applicant

NOTICE OF OPPOSITION

Team Sizzle Films, Inc. and Terrell R. Suggs, Opposers, by counsel, file this Opposition to the registration on the principal register of the trademark LAX SO HARD, having Serial No. 85/976612, and allege as follows:

1. Opposer Team Sizzle Films, Inc. ("Team Sizzle") is a Delaware corporation, with its principal offices at 1700 Union Avenue, Baltimore, MD 21211.

2. Opposer Terrell R. Suggs ("Suggs") is the principal officer of Team Sizzle, and he is a prominent member since 2003 of the Baltimore Ravens, a National Football League (NFL) team. Suggs is widely recognized throughout the United States. He is a five-time Pro-Bowler and was the NFL's Defensive Player of the Year in 2011. Team Sizzle holds the sole and exclusive license to all publicity and trademark rights of Suggs, including the rights to the

trademark BALL SO HARD UNIVERSITY (the “BALL SO HARD UNIVERSITY Mark”).

3. On information and belief, Applicant Jennifer M. Vick is an individual doing business at her personal residence at 22 Tree Farm Court, Glen Arm, Maryland 21057.

4. On information and belief, Applicant is the current listed owner of Application Serial Number 85/976612 (the “Application”) filed under Section 1(b) on February 3, 2012, and description of goods subsequently amended, for the mark LAX SO HARD for the following goods (“Applicant’s Mark”):

- a. Full line of lacrosse related athletic clothing, footwear and headgear, namely, shirts, tops, t-shirts, tank tops, athletic uniforms, fleece pullovers, hooded pullovers, hooded sweat shirts, knit shirts, long-sleeved shirts, moisture-wicking sports shirts, polo shirts, short-sleeved shirts, sleeveless jerseys, sports jerseys, sport shirts, sports shirts, sweat shirts, undershirts, wind shirts, beachwear, sweaters, pants, sweat pants, skirts, skorts, leggings, dresses, shorts, bottoms, capri pants, moisture-wicking sports pants, rain trousers, unitards, waterproof pants, wind pants, jogging pants, underwear, bras, baselayer bottoms, baselayer tops, boxer briefs, boxer shorts, ladies' underwear, men's underwear, moisture-wicking sports bras, sports bras, underwear, namely, thongs, underwear, namely, boy shorts, headwear, hats, headbands, hoods, skull caps, skull wraps, namely, tight-fitting hats, children's headwear, headwear, namely, visors, bandanas, scarves, beanies, caps, bucket hats, neck gaiters, wristbands, sweat bands, jackets, rain jackets, rainproof

jackets, rainwear, waterproof jackets, wind resistant jackets, vests, coats, foul weather gear, socks, men's socks, gloves, mittens, belts, ankle socks, footwear, athletic footwear, beach footwear, footwear, namely, thongs, training shoes, sneakers, sandals, golf shirts, golf trousers, golf shorts, baseball caps, and lacrosse cleats, in International Class 25.

5. On February 15, 2012, Applicant formed a Maryland limited liability company under the name Lax So Hard, LLC. On February 27, 2012, shortly after Applicant filed trademark applications for LAX SO HARD, Applicant's entity Lax So Hard, LLC filed a trademark application for LAX SO HARD UNIVERSITY (Serial No. 85/553747), which mark is currently subject to an Office Action.

OPPOSERS' PRIORITY OF USE

6. Throughout his football career, Suggs has been well-known to the public and enjoys extensive recognition throughout the United States.

7. In addition to his high performance on the football field, Suggs makes appearances on national television, which are viewed by the public throughout the United States. He also makes personal appearances throughout the United States, and in particular in the state of Maryland.

8. Prior to Applicant's filing of the Application on February 3, 2012, Suggs had coined the term BALL SO HARD UNIVERSITY and the public uniquely and unmistakably associates the BALL SO HARD UNIVERSITY Mark with Suggs.

9. Prior to Applicants' filing of the Application on February 3, 2012, Team Sizzle had continuously used and continues to use the BALL SO HARD UNIVERSITY Mark in connection with the sale of apparel and in connection with personal appearances by Suggs.

10. In addition, at least as early as November 6, 2011, Suggs has introduced himself to the public on national television during NFL football games as attending "Ball So Hard University." The NFL football games are viewed on national television by millions of people.

11. There is no real school called "Ball So Hard University" – the phrase was devised by Suggs.

12. The public's reaction to Suggs' coined phrase BALL SO HARD UNIVERSITY was instantaneous throughout the United States after his introduction on national television as a member of the Ravens Defense at the Sunday Night Football game against the Pittsburgh Steelers on November 6, 2011 as "Sizzle, Ball So Hard University". The phrase BALL SO HARD UNIVERSITY went viral over the internet overnight, and the public throughout the United States immediately associated the phrase with Suggs.

13. Team Sizzle is the holder of the following pending trademark applications at the United States Patent and Trademark Office, which were filed on November 17, 2011 (Classes 18, 21, 25 and 41) and November 18, 2011 (Class 16). Copies of these trademark filings as provided on the United States Patent and Trademark Office's Trademark Electronic Search Systems are attached hereto as Exhibit A:

a. Serial No. 85475029, BALL SO HARD UNIVERSITY for "Entertainment

services, namely, personal appearances by a sports celebrity” in International Class 41

- b. Serial No. 85475010, BALL SO HARD UNIVERSITY for “Clothing, namely, shirts, sweatshirts, hats, caps, shorts, pants, under wear, jackets” in International Class 25
- c. Serial No. 85475990, BALL SO HARD UNIVERSITY for “Paper goods, namely, art prints, posters, unmounted and mounted photographs, notebooks, and sports trading cards” in International Class 16
- d. Serial No. 85474997, BALL SO HARD UNIVERSITY for “Backpacks; Duffel bags; Sack packs, namely, drawstring bags used as backpacks; Sport bags; Travel bags” in International Class 18
- e. Serial No. 85475047, BALL SO HARD UNIVERSITY for “Cups and mugs” in International Class 21

14. Upon information and belief, Applicant had knowledge of the public recognition of the BALL SO HARD UNIVERSITY Mark and its association with Suggs and Team Sizzle’s rights in the BALL SO HARD UNIVERSITY Mark when Applicant filed her Application for LAX SO HARD.

COUNT I – LIKELIHOOD OF CONFUSION – Section 2(d) of Trademark Act

15. Opposers re-allege paragraphs 1 through 14, as if fully set forth herein.

16. Applicant's Mark is confusingly similar to the BALL SO HARD UNIVERSITY Mark, and Applicant's intended use of Applicant's Mark is likely to cause confusion or mistake, or to deceive as to the source of goods, quality and affiliation with Team Sizzle's goods and services and with Team Sizzle's principal officer Suggs. Applicant is not a licensee of Team Sizzle, or otherwise associated or connected to Opposers. Opposers have not consented to Applicant's use or registration of Applicant's Mark. The BALL SO HARD UNIVERSITY Mark is well known mark nationally, was immediately associated with Suggs, and therefore a connection to Suggs and Team Sizzle is presumed.

17. Upon information and belief, the current description of goods listed in the Application and the goods capable of being sold under Applicant's Mark are related to the goods and services that are sold under the BALL SO HARD UNIVERSITY Mark.

18. Likelihood of confusion is enhanced because the BALL SO HARD UNIVERSITY Mark is an inherently distinctive, strong and well-known mark and entitled to broad protection.

19. Even if a consumer is able to notice a difference between the marks, consumers are likely to believe they are companion, family or housemarks used by the same source on companion or a family of related goods, which will result in damage and injury to Opposers.

**COUNT II – FALSE SUGGESTION OF A CONNECTION – Section 2(a) of the
Trademark Act**

20. Opposers re-allege paragraphs 1 through 19, as if fully set forth herein.

21. Consumers associate the BALL SO HARD UNIVERSITY Mark with Suggs. The BALL SO HARD UNIVERSITY Mark, when used on goods or services, suggests to the public as pointing uniquely and unmistakably to Suggs.

22. Applicant's Mark so closely resembles the BALL SO HARD UNIVERSITY Mark that it falsely suggests a connection or association with Suggs, in violation of Section 2(a) of the Trademark Act.

23. Applicant is not a licensee of Team Sizzle, or otherwise associated or connected to Suggs or Team Sizzle, and Opposers have not consented to Applicant's use of Applicant's Mark. The BALL SO HARD UNIVERSITY Mark is well-known mark nationally, was immediately associated with Suggs, and therefore a connection to Suggs and Team Sizzle is presumed.

24. Upon information and belief, Applicant had knowledge of the public recognition of the BALL SO HARD UNIVERSITY Mark and its association with Suggs and Team Sizzle's rights in the BALL SO HARD UNIVERSITY Mark when Applicant filed her Application for LAX SO HARD.

25. By reason of the foregoing, Opposers are likely to be harmed or injured by registration of the Applicant's Mark.

WHEREFORE, Opposers request that the registration for Applicant's Mark be denied, and that this Opposition be sustained.

This Notice of Opposition is submitted with a filing fee of \$300 (one class).

Dated: January 2, 2013.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kimberly S. Grimsley". The signature is fluid and cursive, with a long, sweeping underline.

Kimberly S. Grimsley
Bowie & Jensen, LLC
29 West Susquehanna Avenue, Suite 600
Towson, Maryland 21204
(410) 583-2400
grimsley@bowie-jensen.com
Attorney for Opposers

CERTIFICATE OF SERVICE

I HEREBY certify that on this 2nd day of January, 2013, a copy of the foregoing
NOTICE OF OPPOSITION was sent via first-class mail, postage pre-paid, to the following:

Jennifer M. Vick
22 Tree Farm Ct
Glen Arm, MD 21057
Applicant

Julie A. Hopkins
Palmer Cooper Hopkins, LLC
312 N. Charles Street, Suite 250
Baltimore, MD 21201
Attorney for Applicant



Kimberly S. Grimsley

EXHIBIT A**United States Patent and Trademark Office**

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BALL SO HARD UNIVERSITY

Word Mark BALL SO HARD UNIVERSITY
Goods and Services IC 041. US 100 101 107. G & S: Entertainment services, namely, personal appearances by a sports celebrity
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85475029
Filing Date November 17, 2011
Current Basis 1B
Original Filing Basis 1B
Published for Opposition April 24, 2012
Owner (APPLICANT) Team Sizzle Films, Inc. CORPORATION DELAWARE Suite 201 4800 Roland Avenue Baltimore MARYLAND 21210
Attorney of Record Kimberly S. Grimsley
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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BALL SO HARD UNIVERSITY

Word Mark BALL SO HARD UNIVERSITY
Goods and Services IC 025. US 022 039. G & S: Clothing, namely, shirts, sweatshirts, hats, caps, shorts, pants, underwear, jackets
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85475010
Filing Date November 17, 2011
Current Basis 1B
Original Filing Basis 1B
Owner (APPLICANT) Team Sizzle Films, Inc. CORPORATION DELAWARE Suite 201 4800 Roland Avenue Baltimore MARYLAND 21210
Attorney of Record Kimberly S. Grimsley
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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BALL SO HARD UNIVERSITY

Word Mark BALL SO HARD UNIVERSITY
Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: Paper goods, namely, art prints, posters, unmounted and mounted photographs, notebooks, and sports trading cards
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85475990
Filing Date November 18, 2011
Current Basis 1B
Original Filing Basis 1B
Published for Opposition May 1, 2012
Owner (APPLICANT) Team Sizzle Films, Inc. CORPORATION DELAWARE Suite 201 4800 Roland Avenue Baltimore MARYLAND 21210
Attorney of Record Kimberly S. Grimsley
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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BALL SO HARD UNIVERSITY

Word Mark BALL SO HARD UNIVERSITY
Goods and Services IC 018. US 001 002 003 022 041. G & S: Backpacks; Duffel bags; Sack packs, namely, drawstring bags used as backpacks; Sport bags; Travel bags
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BALL SO HARD UNIVERSITY

Word Mark	BALL SO HARD UNIVERSITY
Goods and Services	IC 021. US 002 013 023 029 030 033 040 050. G & S: Cups and mugs
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85475047
Filing Date	November 17, 2011
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	April 24, 2012
Owner	(APPLICANT) Team Sizzle Films, Inc. CORPORATION DELAWARE Suite 201 4800 Roland Avenue Baltimore MARYLAND 21210
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